

MINUTES OF THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

CAROLYN MITCHELL vs. ANCHORAGE POLICE DEPARTMENT, ET AL  
BEFORE THE HONORABLE JOHN W. SEDWICK CASE NO. 3:05-CV-00273-JWS

DEPUTY CLERK/RECORDER: APRIL KARPER

APPEARANCES: PLAINTIFF: ISAAC ZOREA AND MOSHE ZOREA

DEFENDANT: JAMES REEVES AND ELIZABETH FRIEDMAN

PROCEEDINGS: TRIAL BY JURY - DAY 2 HELD JULY 1, 2008:

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At 9:01 a.m. court convened without the jury panel present.

At 9:03 a.m. the jury panel entered the courtroom.

Walt Monegan sworn and testified on behalf of the plaintiff.  
Plaintiff's exhibit 16 **IDENTIFIED**.

Charlotte Lecato sworn and testified on behalf of the plaintiff.

Jerard Lecato sworn and testified on behalf of the plaintiff.

At 10:25 a.m. the jury panel exited the courtroom.

Court and counsel heard re witnesses.

At 10:27 a.m. court recessed until 10:46 a.m. with the jury panel present.

Linda McCray sworn and testified on behalf of the plaintiff.

Damarcus Ivory Mitchell sworn and testified on behalf of the plaintiff.

Leon C. Brown sworn and testified on behalf of the plaintiff.

At 11:26 a.m. the jury panel exited the courtroom.

Court and counsel heard re witnesses and expert witnesses.

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At 11:29 a.m. court recessed until 12:57 p.m. without the jury panel present.

Plaintiff rested.

Court and counsel heard re exchange of words between Captain Miller and Juror #8.

At 1:01 p.m. Juror #8 entered the courtroom; voir dire conducted.

At 1:03 p.m. Juror #8 exited the courtroom.

Court and counsel heard re defendant's Rule 50 oral motion for a ruling in favor of the defendant re defamation claim; **DENIED.**

Court and counsel heard re defendant's Rule 50 oral motion for a ruling in favor of the defendant re emotional distress claim; **GRANTED.**

Court and counsel heard re defendant's Rule 50 oral motion for a ruling in favor of the defendant re section 1983 claim; **DENIED.**

Court and counsel heard re defendant's Rule 50 oral motion for a ruling in favor of the defendant re the false arrest claim against Walt Monegan; **DENIED AS MOOT.**

Court and counsel heard re the listed defendants; court found the defendant should be the Municipality of Anchorage only as an institutional defendant.

Court and counsel heard re defendant's Rule 50 oral motion for a ruling in favor of the defendant re the punitive damages claims against all parties; **DENIED.**

At 1:35 p.m. the jury panel entered the courtroom.

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Steven M. Payne sworn and testified on behalf of the defendant.

William James Miller sworn and testified on behalf of the defendant.

At 3:10 p.m. court recessed until 3:31 p.m. with the jury panel present.

William James Miller resumed the stand and testified further on behalf of the defendant.

Ross Anthony Henikman sworn and testified on behalf of the defendant.

Justin Christopher Voss sworn and testified on behalf of the defendant.

Defense rested.

Court and counsel heard re rebuttal witnesses.

At 4:20 p.m. the jury panel exited the courtroom to reconvene Wednesday, July 2, 2008 at 9:00 a.m.

Court and counsel heard re plaintiff's oral motion for directed verdict; **DENIED**.

At 4:25 p.m. court recessed this matter to reconvene Wednesday, **July 2, 2008 at 8:00 a.m.** and court adjourned.

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